

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**SUMMIT FINANCIAL RESOURCES  
L.P.,**

**Plaintiff,**

**v.**

**BIG DOG ENTERPRISES LOGISTICS,  
LLC, d/b/a FREIGHT HAULING  
LOGISTICS, THE HURSEY GROUP,  
LLC, AGED ASSETS, LLC,  
COMMERCIAL PROPERTY  
MANAGEMENT, LLC, HURSEY  
TECHNOLOGY, LLC, DAVID  
HURSEY, SUSAN HURSEY, and  
PEERLESS-PREMIER APPLIANCE  
CO.,**

**Defendants.**

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**PEERLESS PREMIER APPLIANCE  
CO.,**

**Counterclaim/Interpleader Plaintiff,**

**v.**

**SUMMIT FINANCIAL RESOURCES  
L.P.,**

**Counterclaim/Interpleader  
Defendant.**

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**PEERLESS PREMIER APPLIANCE  
CO.,**

**Cross-claim/Interpleader Plaintiff,**

**v.**

**BIG DOG ENTERPRISES LOGISTICS,  
LLC, d/b/a FREIGHT HAULING  
LOGISTICS, DAVID HURSEY, THE  
HURSEY GROUP, LLC,  
And**

**Case No. 07-CV-0187-MJR-CJP**

**CONSOLIDATED WITH**

**Case No. 07-CV-0361-MJR-CJP**

CSX INTERMODAL, INC., ESTES )  
EXPRESS LINES, OVERNIGHT )  
TRANSPORT-UPS FREIGHT, )  
LANDSTAR RANGER, and )  
SCHNEIDER NATIONAL CARRIERS, )  
 )  
Cross-Claim/Interpleader Defendants. )

**ORDER FOR DISBURSEMENT OF INTERPLEADER STAKE AND  
DISMISSAL OF INTERPLEADER CLAIMS**

**REAGAN, District Judge:**

Plaintiff and Third Party Defendant Summit Financial Resources, L.P. (“Summit”) and Third Party Defendants CSX Intermodal, Inc. (“CSX”), Estes Express Lines (“Estes”), Overnight Transport-UPS Freight (“Overnite”), Landstar Ranger, Inc. (“Landstar”), and Schneider National Carriers (“Schneider”) (CSX, Estes, Overnite, Landstar and Schneider are referred to herein collectively as “Carriers”) have filed a Stipulated Motion for Disbursement of Interpleader Stake and Dismissal of Interpleader Claims dated June 16, 2009 (Doc. 376). Peerless-Premier Appliance Company, the party who interpled the stake, has also filed a motion in support of disbursement (Doc. 387).

Having fully reviewed the parties’ filings, the Court hereby **GRANTS** these motions (Docs. 376 & 387) as follows:

1. The Stake (as defined in the Motion) and all interest accrued thereon<sup>1</sup> shall be distributed and disbursed as follows:

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<sup>1</sup> The posted interest on July 13, 2009 is \$131.83. However, the Court retains 10% of the interest, or \$13.18. Accordingly, the relevant amount of interest for disbursement is \$118.65. This deduction was not contemplated by the parties’ agreement. However, the parties have informed the Court that Summit now agrees to reduce its portion of the interest by \$13.18 to account for the difference.

<u>Party</u>	<u>Amount of Stake</u>	<u>Portion of Accrued Interest as of 07-13-09</u>	<u>Percentage Portion of Additional Interest</u>
<u>Summit</u>	\$ 61,497.08 + \$136,811.57 \$198,308.65	\$63.79 - \$13.18 \$50.61	42.65%
<u>CSX</u>	\$67,496.69	\$21.70	18.29%
<u>Estes</u>	\$100,004.02	\$32.15	27.10%
<u>Schneider</u>	\$1,324.24	\$0.42	.35%
<u>Overnite</u>	\$41,000.00	\$13.18	11.11%
<u>Landstar</u>	\$1,846.96	\$0.59	.50%
<u>Totals</u>	\$409,980.56	\$118.65	100%

2. The Clerk of the Court is hereby ordered and directed to promptly disburse and distribute the Stake and all Accrued Interest. Any additional interest accrued in excess of \$118.65 shall be paid to Summit.

3. Any and all claims and rights of the Carriers against Peerless which are not paid by the Carriers respective portion of the Stake are expressly reserved. Amounts received by each of the Carriers pursuant to this Settlement Agreement will be credited to the claims of the respective Carrier against Peerless.

4. This Order affects only the Interpleader Claims (as defined in the Motion) and all other claims and defenses in this action shall remain.

5. All claims, counterclaims and third party claims to the Stake are hereby dismissed with prejudice, each party to bear its own costs and attorneys fees.

Thus, for all of the reasons explained above, the Court **GRANTS** the parties' motions to disburse the interpleader stake (Docs. 376 & 387), **DIRECTS** the Clerk of the Court to disburse the interpleader stake to the parties as described herein, and **DISMISSES** the interpleader claims.

**IT IS SO ORDERED.**

**DATED this 13th day of July 2009.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**